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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/809,945	03/26/2004	Nicholas P. Harberd	620-298

23117
 NIXON & VANDERHYE, PC
 1100 N GLEBE ROAD
 8TH FLOOR
 ARLINGTON, VA 22201-4714

CONFIRMATION NO. 6433

FORMALITIES LETTER



OC000000012905316

Date Mailed: 06/08/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/10/2004 KBETEM1 00000065 10809945	FILED UNDER 37 CFR 1.53(b)	08/10/2004 KBETEM1 00000064 10809945
01 FC:1051	130.00 OP	01 FC:1001 770.00 OP
		02 FC:1202 648.00 OP
		03 FC:1201 258.00 OP
		04 FC:1203 290.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$4350 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$5250** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$4350**
 - \$172 for 2 independent claims over 3.
 - \$3888 for 216 total claims over 20.
 - \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/10/2004-KBETEMAI-00000064-10809945

01_FC:1001
02_FC:1202
03_FC:1201
04_FC:1203

770.00 OP
648.00 OP
258.00 OP
290.00 OP

8/10/2004-KBETEMAI-00000065-10809945
1-FC:1201
130.00 OP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Attention: Application Branch

HARBERD et al

Atty. Dkt. 620-298

Serial No. 10/809,945

Filed: March 26, 2004

Date: August 9, 2004

For: GENETIC CONTROL OF PLANT GROWTH AND DEVELOPMENT

**Mail Stop Missing Parts**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The attached completes filing of the above-identified patent application:

- ☐ **Correspondence Address Indication Form Attached.**
- ☐ Signed Rule 63 Declaration alone, ☒ Copy of Declaration from prior application alone, OR
- ☐ Signed Declaration plus attached copy of originally filed specification/drawings.
- ☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED form.**
- ☐ Record the attached assignment to _____ and return to the undersigned.
- ☐ Attached is a Power of Attorney.

- ☒ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number**Country****Day/Month/Year Filed**

9717192.0

Great Britain

13 August 1997

PCT/GB98/02383

7 August 1998

respectively.

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
- ☒ Certified copy(ies) filed on _____ in prior application no. PCT/GB98/02383, filed 7 August 1998.
- ☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
- ☒ Please enter the attached second preliminary amendment prior to calculation of filing fee.
- ☒ Also attached: ☐ Information Disclosure Statement; ☒ Nucleotide and/or Amino Acid Sequence Submission; ☐ Other:

Fees due are calculated below:

Basic filing fee				\$	770.00
Total Effective claims	56	- 20 =	36	x \$	18.00
				\$	648.00
Independent claims	6	- 3 =	3	x \$	86.00
				\$	258.00
If any proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)				\$	290.00
				FILING FEE	\$ 1,966.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months; \$1480.00/4 months)				\$	
Surcharge (\$130.00) if Declaration or filing fee first now submitted				\$	130.00
English translation of specification and claims (\$130.00)				\$	0.00
				FIRST SUBTOTAL	\$ 2,096.00
If "small entity," enter half (1/2) of subtotal and subtract				-\$	0.00
				SECOND SUBTOTAL	\$ 2,096.00
Assignment Recording Fee (\$40.00)				\$	0.00
				TOTAL FEE ENCLOSED	\$ 2,096.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor

NIXON & VANDERHYE P.C.

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By Atty: Mary J. Wilson, Reg. No. 32,955

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MJW:tat

Signature: Mary J. Wilson